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January 23, 2003

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: **EX PARTE**
IB Docket No. 01-185; ET Docket No. 00-258

Dear Ms. Dortch:

On January 22, 2003, ICO Global Communications (Holding) Ltd. ("ICO"), represented by Gerry Salemme and the undersigned, conducted teleconferences or left voicemails with Bryan Tramont, Senior Advisor to Chairman Michael Powell, Jennifer Manner, Senior Counsel to Commissioner Kathleen Abernathy, Donald Abelson, Chief of the International Bureau, Anna Gomez, Deputy Chief of the International Bureau, and Bruce Franca, Deputy Chief of the Office of Engineering and Technology, to discuss interference issues that the Cellular Telecommunications & Internet Association ("CTIA") and other wireless carriers recently raised in the above-referenced proceedings.¹

ICO referred the Commission to an *ex parte* filing on April 10, 2002, in which ICO proposed out-of-band emission limits for ancillary terrestrial component ("ATC") operations, in addition to the emission limits set forth in Section 24.238 of the Commission's rules, and submitted a detailed technical analysis demonstrating that the proposed limits would be sufficient to protect adjacent-band services.² ICO noted that neither CTIA nor any other party offered a response in the nine months since the April 10th filing. ICO also assured the Commission that it is long-standing industry practice for licensees to work together to resolve any interference issues. ICO is confident that it can work with personal communications service ("PCS")

¹ See, e.g., Letter from Diane J. Cornell, CTIA, to Marlene Dortch, Secretary, FCC, ET Dkt. Nos. 00-258 & 95-18, IB Dkt. No. 01-185 (Jan. 17, 2003) (disclosing meeting with Bryan Tramont *et al.*); Letter from Diane J. Cornell, CTIA, to Marlene Dortch, Secretary, FCC, ET Dkt. Nos. 00-258 & 95-18, IB Dkt. No. 01-185 (Jan. 14, 2003) (disclosing meeting with Breck Blalock *et al.*); Letter from Don Brittingham, Verizon, to Marlene H. Dortch, Secretary, FCC, ET Dkt. No. 00-258, IB Dkt. No. 01-185 (Jan. 8, 2003); Letter from Gary K. Jones & Robert A. Calaff, T-Mobile USA, Inc., to Marlene Dortch, Secretary, FCC, IB Dkt. No. 01-185 (Jan. 21, 2003).

² See Letter from Lawrence H. Williams, ICO, to William F. Caton, Acting Secretary, FCC, IB Dkt. No. 01-185, ET Dkt. No. 95-18 (Apr. 10, 2002).

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licensees to reach a mutually satisfactory solution without delaying Commission action in the ATC rulemaking. Furthermore, because no 2 GHz mobile satellite service ("MSS") system is expected to be commercially operational for at least two more years, 2 GHz MSS and PCS licensees will have ample time to resolve any interference concerns.

Notwithstanding, ICO feels compelled to respond to the last minute attempt by CTIA to raise technical issues to prevent the adoption of the ATC rulemaking. The potential interference situations that CTIA discussed in its presentation have been analyzed, and it can be shown that in almost all cases the CTIA conclusions are unfounded.

ICO MSS UTs transmitting in the 1990 MHz to 2015 MHz band emit Out Of Band (OOB) radiation into the Personal Communication System (PCS) receive band. The impact of the interference is dependent on the following factors:

- (1) Level of OOB emissions from the MSS UTs.
- (2) Distance between the MSS and the PCS handset.
- (3) Any band separation between the MSS UT transmitting frequency band and PCS handset receiving frequency band.

For MSS UTs operating in ATC mode, CTIA arguments are based on incorrect or unjustified assumptions. In ICO's March 8, 2001 ex-parte filing ICO submitted the characteristics for a CDMA 2000 system that could be used to implement ATC.³ With these characteristics, only standard interference mitigation techniques between the ATC operation and PCS receive band should be required.

ICO has performed a preliminary analysis based on the available information on ATC at this stage and conclude that the CTIA concerns are overstated. The solution to the interference issue is based on optimizing and balancing various parameters in the system, and ICO is confident that PCS can co-exist with MSS in adjacent frequency bands without creating interference.

³ See *Letter to Chairman Powell re ATC, March 8, 2001; Appendix B pp-11, Table 4*. These characteristics were based on a paper presented by Andrew J. Viterbi on the Principles of Commercial CDMA, Qualcomm from the proceedings of CDMA North American Regional Congress in 1996.

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Pursuant to Section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically using the Commission's Electronic Comment Filing System.

Very truly yours,

/s/ Cheryl A. Tritt

Cheryl A. Tritt

Counsel to ICO Global Communications (Holdings) Ltd.

cc: Bryan Tramont
Donald Abelson
Jennifer Manner
Anna Gomez
Bruce Franca